

## A black and white oval-shaped stamp from the U.S. District Court, Eastern District of New York. The text "U.S. DISTRICT COURT" is arched across the top, "FILED" is centered below it, "NOV 02 2007" is in the center, and "S.D. OF N.Y." is arched across the bottom. "W.P." is printed in small letters above "OF".

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**:FOR PRELIMINARY**

**:INJUNCTION AND**

~~:TEMPORARY RESTRAINING~~

~~ORDER~~

ORDERED, that the above named defendants show cause before a motion term of this Court, at Room 218, United States Courthouse, 300 Quarropas St., White Plains, NY 10601, on November 16 at 11:00 clock in the forenoon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendant during the pendency of this action from communicating with putative class members concerning this case, except as approved by the Court; enjoining retaliation by Defendants against any individual participating in this case; allowing plaintiffs to take full and effective discovery of all participants in the defendants' securing of signatures on the Affidavit by deposition conducted at defendants' expense; directing prompt and hand delivered notice to all class members of the impropriety and invalidity of the sworn statements; equitably tolling the statute of limitations for federal FLSA claims for the same amount of time during which individuals would have believed they could not opt-in to the FLSA claim; sanctioning the Defendants monetarily, including fining the Defendants an amount equal to what

liquidated damages would have been, so that the Defendants do not achieve any of the benefit of chilling individuals from opting-in to this case; reserving the opportunity for individuals to join the case post-judgment; awarding Plaintiffs' costs and attorneys' fees for the time spent on this motion; and it is further

*Deleted*  
*CVB*  
~~ORDERED that, sufficient reason having been shown therefor, pending the hearing of plaintiffs' application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the defendant is temporarily restrained and enjoined from communicating with putative class members concerning this case; and it is further~~

ORDERED that personal service on defendants' attorney ~~by fax or ECF service~~ of a copy of this order, and annexed brief, declaration, and exhibits on or before 4:30 o'clock in the afternoon, November 6, 2007, shall be deemed good and sufficient service thereof.

DATED: White Plains, New York

ISSUED: November 2, 2007

So Ordered:

Charles Bricant

Hon. Charles L. Bricant, U.S.D.J.